

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

GARY BANKS,

Plaintiff,

v.

1:09-cv-323

DR. BATES,

Defendant.

**MEMORANDUM**

On April 19, 2010, plaintiff was ordered to complete and return the service packet for the defendant within 20 days. Plaintiff was forewarned that failure to return the completed service packet could jeopardize his prosecution of this action. Plaintiff has failed to return the service packet or otherwise respond to the order of this court. Therefore, this action will be **DISMISSED WITHOUT PREJUDICE**, *sua sponte*, for failure to prosecute and to comply with the orders of this court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

**AN APPROPRIATE ORDER WILL ENTER.**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE